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Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 MICHAEL MARTIN, et al.,

17 Defendants.

Case No. 07-70574 WDB

~~[PROPOSED]~~ ORDER GRANTING
STIPULATION TO WAIVE TIME UNDER
SPEEDY TRIAL CLOCK AND FOR
PRELIMINARY HEARING

Date: October 19, 2007

Time: 10:00 a.m.

Before the Honorable Wayne D. Brazil

~~[PROPOSED]~~ ORDER

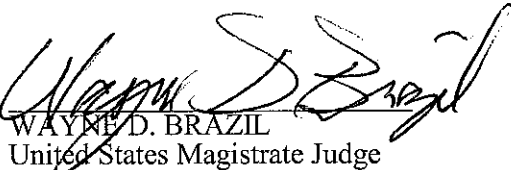
20 Pursuant to Fed. R. Crim. P. 5.1(d) and 18 U.S.C. § 3161(h)(8), the parties in this matter
21 filed a Stipulation to Waive Time Under Speedy Trial Clock and For Preliminary Hearing
22 seeking to waive and extend the time for the preliminary hearing and to exclude the time between
23 October 19, 2007 through October 26, 2007 from the Speedy Trial Clock. The Stipulation was
24 signed by counsel of record as well as the defendant, Mr. McLinn knowingly and voluntarily
25 waiving his rights to a preliminary hearing on October 19, 2007, and extending the preliminary
26 hearing until October 26, 2007. The Stipulation also noted that the United States provided
27 discovery to the defendant's attorneys. This information will allow the defendant's attorneys to
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[PROPOSED] ORDER GRANTING PRELIMINARY
HEARING EXTENSION AND EXCLUSION
Case No. 07-70574 WDB

1 better evaluate the case and assist in preparing a defense. Counsel also acknowledged that an
2 exclusion of time under the Speedy Trial Clock is appropriate to allow for the effective
3 preparation of defense counsel taking into account the exercise of due diligence. Good cause
4 appearing therefor,

5 **IT IS HEREBY ORDERED** that the period of time between October 19, 2007 and
6 October 26, 2007 is excluded from the Speedy Trial Clock to allow counsel to effectively
7 prepare, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The
8 Court finds that the "ends of justice served by the granting of such continuance outweigh[s] the
9 best interests of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(8)(A).
10 Additionally, the Court finds that the defendant, Mr. McLinn, knowingly and voluntarily waived
11 the period between October 19, 2007 and October 26, 2007, such that preliminary hearing is
12 now scheduled for October 26, 2007 at 10:00 a.m.

13 DATED: 10-17-07

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15 WAYNE D. BRAZIL
16 United States Magistrate Judge
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